

**THE MINUTES
FOR THE JANUARY 4, 2011
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

Present: Mayor Doll, Trustees Kehoe, Maline, McMullen and Tobin, Village Attorney James Matthews, Village Clerk Donna Koch, Village Administrator Gene Guido.

ANNOUNCEMENTS:

PUBLIC HEARING(S)

Mayor Doll asked the Village Clerk to read the notice of Public Hearing to wit:

PLEASE TAKE NOTICE: That a public hearing of the Board of Trustees of the Village of Northport will be held on January 4, 2010 at 6:00 PM in the Northport Village Hall 224 Main Street to consider the 2011-2012 tentative budget.

Village Treasurer Elissa Iannicello gave a power point presentation on the 2011- 2012 budget.

On the motion of Trustee McMullen and seconded by Trustee Tobin the Public Hearing was opened.

Commissioner of Finance Trustee Tobin stated that this year as in last the Village has worked as hard as possible to keep expenses as low as we can while maintaining services. Trustees Tobin felt while they have done a responsible job, we realize that in today's economic times any increase is unfortunate and in other cases unacceptable. The entire Board stands by this budget.

Trustee Kehoe stated that several property owners have come forward with tax certioraris and the Village was advised to put aside \$400,000 for such purposes.

Trustee Kehoe went on to explain that the state pension funds have lost money in the stock market and that municipalities are all be forced to cover their fair share of the loss. With those two things removed from the budget the Village would have been looking at a 1% increase.

Village resident Tom DeMeo, stated that the Village should declare bankruptcy and stop passing the costs on to the residents. Village Treasurer Elissa Iannicello explained that it would be very financial irresponsible for the Village to claim bankruptcy. The Village is fiscally sound.

Dave Owen of North Rd. questioned why the Fire Department Emergency fund was so high. Trustee Tobin explained that this fund is funded by the Huntington and Asharoken fire protection districts. The department is looking into purchasing an ambulance within

the next couple of years and the fund is used to pay the debt service regarding the fire house bond.

John Green of Fairwind Ct. felt the budget was not stainable for the long term. Mr. Green felt not enough money exists for infrastructure; the roads in the Village need major repairs. Mr. Green suggested selling off Village assets and laying off people. Trustee Tobin explained that selling Village assets is really not an option: That would be a onetime sale and onetime revenue and that distorts future budgets because we won't have it as a recurring income. As far as a lay off the Village operates on the minimum personnel as it is.

Trustee Maline stated the Village has looked at all these options.

Brian Burke, Main Street stated the Village should look at what South Hampton has done.

Pete Panarites questioned if the pending law suit against the pervious treasurer would be covered by insurance. Village Attorney James Matthews responded, yes the lawsuit will be covered under insurance. Mr. Panarites felt the contingency account was too low. Mr. Panarites questioned where the money was to re-pave Woodbine Ave. the Mayor responded the Village still has the fund and the project is still in the development stage. Mr. Panarites was concerned over the termination pay account. The Board explained that the budgeted amount was to cover the cost of one employee who was expected to retire this year but that the actuarial has close to a half million dollars in it. Arlene Handel commended the Board for their hard work. Ms. Handel questioned why the Board is allowing the court to hold trails in the Village instead of holding them in Islip. The Mayor explained if we have to send an officer to Islip for the hearings, in the course of the year it would be more expensive. Ms. Handel felt the Chamber and other event organizers should be responsible for their own security costs.

PUBLIC PARTICIPATION:

BOARD APPROVAL OF WARRANT:

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following bills were approved for payment.

Fiscal Year 2009/2010 General Fund bills in the amount of \$ 18,013.35

TREASURER REPORT: the treasurer's report was presented during the public hearing.

COMMISSIONER REPORTS: Mayor Doll reported that the total cost of the Blizzard December 26th & 27th was \$35,208 that covered sand/salt and salaries.

CHIEF OF POLICE REPORT:

ADMINISTRATOR'S REPORT: Mr. Guido gave the Board sample letters to be sent to the residents on Ocean Ave. regarding scheduling a meeting in regards to the TEA – 21 project.

NEW BUSINESS: no new business.

OLD BUSINESS: no old business.

REQUESTS: no requests.

CORRESPONDENCE: no correspondence.

RESOLUTIONS:

The following resolution was put on hold until the January 11, 2011 meeting.

RESOLUTION 2011– 1 ~ APPROVAL OF THE DECEMBER 21, 2010 MINUTES

WHEREAS: Copies of the minutes of the December 21, 2010, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

The following resolution was put to a roll call vote:

Trustee Maline ~ Yes

Trustee Kehoe ~ Yes

Trustee McMullen ~ Yes

Mayor Doll ~ Yes

Trustee Tobin ~ Yes

RESOLUTION 2011 - 2 ~ APPROVAL OF 2011 -2012 BUDGET

WHEREAS: The Board of Trustees has met at the time and place specified in the notice of hearing on the tentative budget and heard all persons desiring to be heard therefore,

BE IT RESOLVED: That the tentative budget for the fiscal year March 1, 2011 to February 28, 2012, as hereinafter set forth is hereby adopted and,

BE IT FURTHER RESOLVED: That there is hereby levied a tax of \$9,849,060. for said fiscal year, to which said budget is applicable upon the last completed assessment roll, and,

BE IT FURTHER RESOLVED: That the Village Clerk is authorized to extend and carry out upon the tax roll the amount to be collected from each of the persons named thereon.

On the motion of Trustee Maline and seconded by Trustee Tobin the following resolution was unanimously approved.

**RESOLUTION 2011-3 ~ RE-SCHEDULE OF PUBLIC HEARING ON PROPOSE
LOCAL LAW A OF 2011**

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o'clock in the evening of the 11th day of January, 2011 to consider the following proposed local law:

**PROPOSED LOCAL LAW "A" OF 2011
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER
239-29, SEWER RENTS OF THE CODE OF
THE INCORPORATED VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that amending the Code of the Village to allow the Board of Trustees the flexibility to set the dates by which Sewer Rent bills may be rendered and on which payment is due will allow for greater efficiency and accuracy in billing and collection.

Section 2. Statutory Authority and Supercession

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, Article 14-F of the New York State General Municipal Law and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

Section 3. Applicability

The provisions of this Local Law shall apply as set forth in the amendments.

Section 4. Amendments

The code of the Incorporated Village of Northport shall be amended as follows:

Explanation of notations:

Existing zoning text is reproduced in regular type

Text to be added is indicated in *italics*.

Text to be deleted is indicated in with a ~~Strikethrough~~.

* * * Existing text to remain-

* * *

§239-37 Calculations; Bills and Payments; Penalty for late payment; Liens and collection.

A. The sewer rents shall be billed annually on the first of October of each *fiscal* year.

B. Bills and payments.

- (1) Residential: Bills for the sewer rent will be mailed to the residential owners of all Village sewer connections on an annual basis.
- (2) Commercial: Bills for the sewer rent will be mailed to the commercial owners of all Village sewer connections on an annual basis.
- (3) All bills shall be due and payable without penalty within thirty (30) days of rendering.

C. A penalty will be levied against the unpaid sewer rents and shall be added to the delinquent amount.

- (1) One and one-half percent charge per month on sewer rent bill, beginning thirty-one (31) days after the date of the bill. The penalty shall be added for each succeeding month or any portion of a month in which the sewer rent is not paid.
- (2) Notwithstanding the foregoing, for good cause shown the Board of Trustees may waive or reduce the penalty for the late payment of 2010-2011 sewer rents, provided payment is made no later than December 1, 2010.

D. Liens and collections.

- (1) In accordance with New York State General Municipal Law Section 452, unpaid sewer rents, penalties and interest shall become a lien upon the real property.
- (2) Delinquent accounts shall be collected in a manner provided for in the General Municipal Law and this article.

E. The Board of Trustees may by resolution change the dates specified herein on which the sewer rents are billed and due and when penalties for late payment start to accrue provided that the bills for each fiscal year must be rendered no later than January 20 of the fiscal year in which they are due.

* * *

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law

without such unconstitutional, or invalid parts therein.

Section 6. SEQRA

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 7. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2011- 4 ~ AUTHORIZING THE ITEMS LISTED BELOW PURSUANT TO THE BOND ACTS ENACTED IN 1965, 1972 AND 1996 AND THE ENVIRONMENTAL PROTECTION FUND, AS WELL AS FEDERAL GRANT AWARDS AVAILABLE FOR SUCH PROJECTS.

WHEREAS, the Incorporated Village of Northport, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available date, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES

1. That George Doll, Mayor, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project Documentation, and otherwise act for the Municipality's governing body in all matters related to the Project

and State assistance;

2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution takes effect immediately.

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2011 – 5 ~ ENGINEERING SERVICES

BE IT RESOLVED: Gannett Fleming Engineers P.C. is hereby retained to provide assistance to the Village by Preparation of SEQR Process Documents required for the WWTP Phase II SEQR process including completing part 2 and 3 of the full EAF [Environmental Assessment Form] and preparing a Request for Consultation per proposal dated December 20, 2010 in an amount not to exceed \$3,100.00

On the motion of Trustee Tobin and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2011 – 6~ ENGINEERING SERVICES

BE IT RESOLVED: Gannett Fleming Engineers P.C. is hereby retained to provide assistance to the Village by Coordination and attending meeting with the DEC to discuss compliance with the 2014 Permit limit and if necessary, participate in conference call with the EFC and Village to discuss project financing per proposal dated December 20, 2010 in an amount not to exceed \$1,500.00

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will be Tuesday January 18th at 6:00 PM, Northport Village Hall 224 Main Street Northport, NY 11768

Meeting adjourned: 9:15 PM.
Respectfully submitted,

Donna M. Koch,
Village Clerk